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9 Attorneys for Petitioner,
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10 UNITED STATES DISTRICT COURT FOR
11 THE NORTHERN DISTRICT OF CALIFORNIA

12 ELAINE L. CHAO, Secretary) Case No.
13 of Labor, UNITED STATES) 3:08-CV-04128-PJH
DEPARTMENT OF LABOR,)
14)
Petitioner,)
15)
v.) CONSENT ORDER
16)
MATTHEW J. DONNELLY d/b/a/ The)
BUSINESS APPRAISAL INSTITUTE,)
18)
Respondents.)
19)

20 Petitioner ELAINE L. CHAO, Secretary of Labor, United
21 States Department of Labor ("the Secretary"), Respondent Matthew
22 J. Donnelly d/b/a The Business Appraisal Institute, by and
23 through their respective counsel, have resolved the dispute
24 addressed in Petitioner's Petition to Enforce Administrative
25 Subpoena *Duces Tecum* [Document ("Doc.") No. 1]. The Court
26 issued an Order to Show Cause on September 5, 2008 (Doc. No. 7);
27 the parties received notice of this Order, setting a hearing
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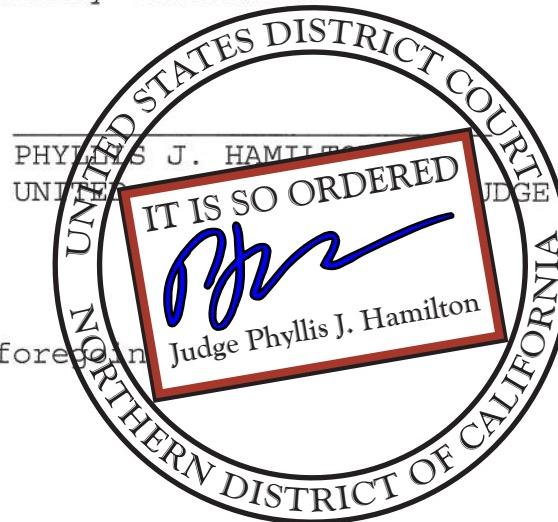
1 scheduled for September 17, 2008. The parties do now consent to
2 entry of this Order by this Court in accordance herewith.

3 After the filing of the Petition, the parties reached
4 an agreement whereby Respondent agreed to provide copies of all
5 documents responsive to the Subpoena. Pursuant to the
6 agreement, Respondent has produced hard copy documents and
7 electronic computer files containing documents responsive to the
8 Subpoena. It appears to the Petitioner that at least most, if
9 not all, documents responsive to the Subpoena have now been
10 produced by Respondent. Respondent has further agreed that in
11 the event Petitioner believes additional documents need to be
12 produced, he will produce any such documents no later than
13 October 1, 2008. At that time, Petitioner anticipates dismissing
14 the Petition as moot.

15 Accordingly, it is hereby ORDERED that the hearing
September 17
16 scheduled for ~~October 1~~, 2008, is hereby cancelled.

17 Dated: September 16, 2008

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22 The parties move for entry of the foregoing.



Sep-16-08 05:00pm From-

T-981 P.003/004 F-918

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2 By: 
3 Larry Israel
Attorney for Petitioner

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Solicitor of Labor

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6 By: /s/ Dane L. Steffenson
7 DANE L. STEFFENSON
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9 SOL Case No. 08-60050

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